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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

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6 BARRY HARRIS,

7 Petitioner,

Case No. 3:20-cv-00695-MMD-WGC

8 v.
9 CALVIN JOHNSON, et al.,
10 Respondents.

11 ORDER

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13 In this *habeas corpus* action, the Court appointed counsel for Petitioner Barry
14 Harris, and, with counsel, Harris was due to file an amended habeas petition by May 14,
15 2021. (ECF Nos. 3, 10.)

16 On April 12, 2021, Harris filed a motion for stay and abeyance (ECF No. 19),
17 requesting that this action be stayed while he completes the litigation of a state habeas
18 action. Harris states that he filed a timely direct appeal, and the Nevada Supreme Court
19 affirmed his conviction on December 19, 2019. He states that he then filed a state habeas
20 petition on April 21, 2020, and that action remains pending. Harris states that he filed his
21 petition in this federal habeas action as a protective petition. See *Pace v. DeGuglielmo*,
22 544 U.S. 408, 416–17 (2005). Harris points out that until he completes the litigation of his
23 state habeas action, he will not have exhausted in state court the claims he asserts in
24 that action, and he requests that this action be stayed while he does so. Respondents
25 have filed a notice stating that they do not oppose Harris’ motion for a stay. (ECF No. 20).

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It is therefore ordered that Harris' Motion for Stay and Abeyance (ECF No. 19) is granted. This action is stayed while Harris completes his state habeas action. The Clerk of the Court is directed to administratively close this case.

It is further ordered that following the conclusion of Harris' state-court proceedings Harris must, within 30 days, make a motion to lift the stay of this action.

It is further ordered that this action will be subject to dismissal if Harris does not comply with the time limits in this Order, or if he otherwise fails to proceed with diligence during the stay imposed by this Order.

DATED THIS 23rd Day of April 2021.



MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE